

**REMARKS**

The Office Action of December 24, 2002 has been carefully considered. Reconsideration of this application is respectfully requested. Claims 1-9 are pending in this application. Of these, claims 1,4 and 7 are independent claims.

**35 U.S.C. §102(b) Rejections**

The Examiner has maintained their rejection of claims 1-9 under 35 U.S.C. §102(b) as being anticipated by Abelow (United States Patent Number 5,999,908). The Applicant has amended claims 1, 4 and 7 to further clarify the distinction over Abelow. In particular the Applicant has introduced the limitation that the claimed "actuator controller" is responsive to price information. The Applicant respectfully requests reconsideration in view of amended claims 1, 4 and 7 and the arguments presented in the prior response mailed October 15, 2002 and further in view of the argument presented below.

The Applicant respectfully submits that Abelow fails to teach each and every element of independent claims 1, 4 and 7. It is the Applicant's understanding that the Examiner has taken the position that col 2, lines 13-27 of Abelow teach or suggest the claimed "multiple actuators". The Applicant respectfully submits that the cited passage is void of any mention of "multiple actuators " and further that the cited "computer hardware, software and communications technologies..." do not suggest "multiple actuators". The Applicant respectfully submits that the multiple actuators are simply not found in the cited passage.

Further, the Applicant respectfully submits that Abelow fails to teach or suggest that the actuator controllers operate the actuators responsive to price information.

It is the Applicant's further understanding that the Examiner has taken the position that the claimed "sensor" is taught at col. 1, lines 56-67, col. 2, lines 1-5 in the cited "productivity measures". The Applicant respectfully submits that the cited productivity measures appear to be directed to measuring the productivity in developing new products. The applicant respectfully submits that measuring the productivity in

developing new products does not teach or suggest the claimed functionality of sensor to "measure structure movement". Thus, the Applicant respectfully submits that Abelow fails to teach or suggest the claimed sensor.

Accordingly, the Applicant respectfully requests that the Examiner withdraw their 35 U.S.C. §102(b) rejection of independent claims 1, 4 and 7.

The Applicant respectfully submits that the Examiner has not provided references to specific teachings in Abelow for the elements contained in dependent claims 2-3, 5-6 and 8-9. The Applicant respectfully submits that dependent claims 2-3, 5-6 and 8-9 depend on and incorporate their respective parent independent claims, which are distinguishable over the art of record as described above. Accordingly the Applicant respectfully requests that the Examiner withdraw their 35 U.S.C. §102(b) rejection of dependent claims 2-4, 6-7 and 9-10.

### CONCLUSION

In view of the foregoing remarks, reconsideration of this application and allowance thereof are earnestly solicited. In the event the Examiner considers a personal contact advantageous to the disposition of this case, the Examiner is hereby requested to call Attorney for Applicant(s), Richard B. Domingo at 650-812-4269.

Respectfully submitted,



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## APPENDIX A

**Marked Up Amended Claims Under 37 C.F.R. 1.121(c)(1)(ii):**

Appendix A sets forth a marked up version of the prior pending claim(s) with additions shown with underlining (e.g., new text) and deletions shown with a strikethrough (e.g., ~~delete text~~).

B1 *Sub C*  
 1. (Amended) A distributed market based control assembly for structures comprising:  
 multiple actuators, each of the multiple actuators having an actuator controller that is responsive to price information to control actuator applied force,  
 a sensor for measuring structure movement, and  
 a marketwire connected to each actuator controller to convey price information to the actuator controllers by analog variations in electrical characteristics of the marketwire.

B2 *Sub C*  
 4. (Amended) A distributed market based control assembly for mobile structures comprising  
 multiple actuators, each of the multiple actuators having an actuator controller that is responsive to price information to control actuator applied force to collectively promote movement of a structure from a first position to a second position,  
 a sensor for measuring structure movement from the first position to a second position, and  
 a marketwire connected to each actuator controller to convey price information to the actuator controllers by analog variations in electrical characteristics of the marketwire.

B3 *Sub C*  
 7. (Amended) A distributed market based control assembly for damping structure movement comprising  
 multiple actuators, each of the multiple actuators having an actuator

controller that is responsive to price information to control actuator applied force to collectively counter movement of a structure from a first position to a second position, a sensor for measuring structure movement from the first position to a second position, and a marketwire connected to each actuator controller to convey price information to the actuator controllers by analog fluctuations in electrical characteristics of the marketwire.

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